



**PREPARED REMARKS
JUSTICE CARLOS R. MORENO
PRESENTATION OF FINAL RECOMMENDATIONS OF THE CALIFORNIA BLUE
RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
JUDICIAL COUNCIL MEETING
AUGUST 15, 2008**

INTRODUCTION

It is a pleasure to be here with you today and to present the final recommendations of the California Blue Ribbon Commission on Children in Foster Care. We have prepared a final report for you. It is in your packet, along with the full set of recommendations.

In my presentation today, I want to touch on some of the highlights of our work over two years, what we learned, and why we focused on the specific recommendations you have before you.

First, I'd like to acknowledge the hard work of our commission and our staff who have spent the last two years in countless meetings and conference calls, culling data, listening to the public and stakeholders, and pulling together this blueprint for changes in the way we serve California's most vulnerable children and families.

CHARGE OF THE BLUE RIBBON COMMISSION

You charged us with making politically viable and fiscally responsible recommendations on ways in which the courts and our partners can improve safety, permanency, well-being, and fairness outcomes for children and their families. We believe we have met this mandate.

WHY THIS COMMISSION IS NECESSARY

The Blue Ribbon Commission is the first statewide body to look at the role of the courts in child welfare reform. The courts have legal responsibility for the safety and well-being of children in foster care, in effect serving as their "parent."

There are nearly 80,000 children in foster care in our state, more than any other state in the country.

The majority of these children are in care for two years or more, often separated from siblings, communities, and schools. Many of these children languish in a foster care "limbo"; too many grow up in foster care. We know that youth who age out of foster care without a permanent family are likely to face a life that includes dropping out of school, unemployment, homelessness, mental illness, and time in our jails and prisons.

The case of every child in foster care can come before our dependency courts at least four times, more if they are in long-term care. Yet we have only 150 full-time and part-time judicial officers who preside over the whole dependency court system.

In fact, our full-time judicial officers carry an average caseload of 1,000. Our attorneys who represent children and parents in court carry an average caseload of 273, far more than the recommended 188 for those with appropriate support.

Caseloads like this can undermine the most committed of judicial officials and attorneys as we seek to understand and represent the concerns and needs of children and families.

The average dependency court hearing lasts only 10 – 15 minutes. Delays and continuances are routine. We are not always able to meet our legal obligations for timely hearings or make sure that children and parents have a meaningful voice in court.

PRINCIPLES

During the past two years, the commission met quarterly and held a series of public hearings and focus groups. We heard from stakeholders across the system and across the state, including youth, parents, caretakers, social workers, judges, attorneys, county child welfare directors, and more.

We were guided throughout the process by a core set of values and principles that infused our deliberations at every stage:

- All children are equal and deserve safe and permanent homes.
- Services to children and families should be integrated and comprehensive.
- We in the court system must act with our partner agencies in supporting children and families. Collaboration, shared responsibility, and accountability are essential for achieving the best possible outcomes for children and families.
- Courts have an important and statutorily mandated role in overseeing children, families, and services in the dependency system.

Court decisions must be timely in order to ensure quick reunification whenever possible and to assist children with the services they need to achieve permanency. This includes supporting our youth as they transition into adulthood.

- Children and families should have a say in decisions that affect their lives
- We believe government agencies need adequate and flexible resources to provide the best outcomes for children in the foster-care system.

VALUES

We focused on nine different values as we did our work as a commission—values that speak for themselves:

Collaboration;
Shared Responsibility;
Accountability;
Leadership;
Children and families;
Child safety;
Inclusion;
Permanency; and
Youth Voice.

One key value permeated all of the work of the Blue Ribbon Commission—that was the powerful voice of the children and youth who spent time in our foster care system. Their experiences informed our work and inspired our creativity. This is the voice of one of our former commission members who was a foster child herself.

“When I was 12 years old—in a court hearing I was not invited to and that I did not even know about—a decision was made that I was not appropriate for a foster family but need to be in group homes. That decision was made in only a few minutes, with most of the people in the room having never met me, not knowing my hopes and dreams, only knowing one or two of the facts that represented 1 percent of the 100 percent child I was.”

-- Jennifer Rodriquez, staff attorney, Youth Law Center
former commissioner, Blue Ribbon Commission

Today we are specifically asking you to approve these principles and values that guided our process in developing the recommendations and that will be critical to developing an implementation plan.

RECOMMENDATIONS

With these values and principles in mind, we developed what we believe are a set of comprehensive and concrete recommendations for reform. Our recommendations point to what the courts, child welfare agencies and our other partners can do to make sure children grow up in safe, nurturing, and permanent homes.

We first issued draft recommendations in March and sent them out for a 60-day public comment period. We held two public hearings, one in Los Angeles and one here in San Francisco. We received more than 130 responses, from a wide range of stakeholders, most of which were overwhelmingly positive about the direction and content of the

recommendations. A summary of the comments are in your packet and are also available on the commission's Web site.

We met as a commission again in June to consider this feedback and then finalized the recommendations that we are submitting to you today.

You have 4 overarching recommendations before you, including 79 specific recommendations, 26 of which fall exclusively within the purview of the Judicial Council and the judicial branch and can be implemented by the judicial branch without collaboration with other partners.

FOUR MAIN AREAS OF FOCUS

The commission's recommendations fall into four main areas:

1. Reasonable efforts to prevent removal and achieve permanency
2. Court reforms
3. Collaboration among courts and partnering agencies
4. Resources and funding

The full set of recommendations is in your packet—and online—but I'd like to go over a few highlights this morning.

REASONABLE EFFORTS TO PREVENT REMOVAL AND ACHIEVE PERMANENCY

First and foremost is making sure that everything possible is done to prevent removal, by supporting children and families in their homes with a range of services.

This includes a focus on African-American and American Indian children, who are in the system in disproportionate numbers to their presence in the population. We recommend that the courts and our partners work to reduce the population of African-American and American Indian foster children and that we all strive for a more diverse and culturally competent workforce.

We also recommend that child welfare agencies engage relatives and extended family members at the earliest possible point.

If a child *must* be removed, we must do everything we can to reunify the family in a timely manner or find relatives or another permanent family for the child. Specifically, we should work with state and federal leaders to develop greater flexibility in approving relative placements and addressing funding disparities.

As many as 5,000 youth a year reach the age of 18 without reunifying with their own parents or being placed with another permanent family. We believe no one should be sent

out into the world alone at age 18. Thus we urge passage of legislation that would extend foster care assistance from age 18 to age 21.

COURT REFORMS

Court reforms are, of course, at the heart of our recommendations. Most of the 26 recommendations for which we are requesting early action are focused on court reforms. Most can be implemented by the Judicial Council and the judicial branch and do not need involvement of our other partners.

Critical to progress is a reduction in caseload for judges, attorneys and social workers. As I explained earlier, our dependency court system is overstressed and under-resourced. Because dependency cases are the most intrusive form of government intervention, it is essential that we have sufficient resources to oversee these cases and find support for reasonable caseloads for the courts and for social workers.

The courts must also ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present at their hearings and participate in a meaningful way. Legislation just signed by Governor Schwarzenegger moves us in the right direction – but more is needed.

One of our more interesting discussions arose during the public comment period in reference to a proposed new recommendation that the Judicial Council provide an expedited process for all juvenile dependency appeals and require appointment of independent counsel for all children in these cases. The commission debated this issue and decided to support these recommendations.

We also recommend that Court Appointed Special Advocates be available in each county in the state.

If we are to track our progress and learn from experience, we need better data. We also need to implement a statewide case management system so that the judicial branch and the California Department of Social Services (CDSS) and other trusted partners will be able to exchange essential information about the children and families they are mandated to serve. Our current data system covers filings and dispositions, but not compliance or information that will track children's progress and identify delays. We recommend building a more comprehensive data system, as is already being done with the California Case Management System, and implementing performance measures to improve outcomes

COLLABORATION AMONG COURTS AND PARTNER AGENCIES

Many families and children in the child welfare system are involved with multiple agencies at the same time. We recognize that these agencies and the courts do not adequately share information or data when working with the same families. Therefore we

ask the Judicial Council to support the courts and our partners in eliminating barriers to the exchange of essential information and data.

We recommend that the courts, child welfare and other agencies collaborate with Indian tribes to ensure that Indian children and families have access to all appropriate services for which they are eligible.

To carry our work forward, we urge creation of local multidisciplinary commissions led by the presiding judge of the juvenile court and child welfare agency. These commissions should be fully representative of all key stakeholders, including Indian tribes and tribal courts. The local body will address county-level concerns and help implement the Blue Ribbon Commission recommendations.

RESOURCES AND FUNDING

Funding for the foster care reform does not rest solely with the courts, of course. We recommend that the courts and *all* agencies prioritize children in foster care and their families when providing services and when allocating public and private resources.

Current funding for child welfare consists of a patchwork of different funding streams, each with its own sometimes conflicting rules and regulations. Federal funds, for the most part, can only be used after a child is already removed from the home. These funds cannot be accessed to support preventive services that would keep families together safely.

We thus recommend working with federal and state leaders to allow greater flexibility in how funds are used and to eliminate barriers to coordinating funds for prevention and services.

In addition to flexible funds, however, we also need *adequate and stable* funds. There is an overwhelming need for additional resources to serve the children and the families in the system.

FISCAL REALITIES

The commission is fully cognizant of the fiscal realities in our state. Some of our recommendations simply call for using existing resources differently or implementing policies that are already in place. Other recommendations can be phased in over time to lessen the need for new funds.

Other recommendations *will* require additional funding. However, we know that if the changes recommended here are implemented successfully, there will be fewer children in costly foster care or group home settings, and we will see significant savings.

If these savings are then reinvested in the system—more preventive services, for example, and a reduction of the high caseloads among judges, attorneys, and social

workers—the improvements can be passed on without a continual infusion of new or additional funds.

But we aren't kidding ourselves, even with any short term savings from using funds more effectively and efficiently and from reinvesting savings these recommendations will require additional resources—our belief is that ultimately we will see long-term savings by reducing the number of former foster children who become homeless, dependent on welfare, and incarcerated as adults.

And more importantly, children and families will benefit. The bottom line is clear: The Blue Ribbon Commission believes no child or family should be denied critical services because of funding restraints.

NEXT STEPS

In closing, and on behalf of the California Blue Ribbon Commission on Children in Foster Care, I respectfully request that the Judicial Council receive and accept our final recommendations, that you acknowledge the 26 specific recommendations that can be implemented by the judicial branch, and that you refer these to the appropriate advisory committee or division of the AOC.

We also ask that you direct us to develop an implementation plan to move forward on those recommendations that require collaboration with non-judicial partners. We ask that you direct us to present this plan to the Judicial Council in December, along with a final report on the commission's recommendations.

At the Beyond the Bench meeting in December, we would like to convene local teams from the state's 58 counties. This is a critical next step in the commission's vision, because it is at the county level that children and families will see a difference. This is where implementation of the commission's recommendations will come to life.

As a final word, if you will, I'd like to leave you with this message from the Chief Justice.

“The abuse and neglect of children affects our entire court system and our communities. Our judiciary deals with the effects of child abuse on a daily basis. We as judges have a duty to ensure that our court systems provide the protection, due process, and supervision demanded by the law.”

Thank you for the opportunity to serve as chairman of the commission and thank you for your consideration of our recommendations.

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